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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 GOOGLE LLC,

17 Plaintiff and Counter-  
18 Defendant,

19 vs.

20 SONOS, INC.,

21 Defendant and Counter-  
22 Plaintiff.

Case No. 3:20-cv-06754-WHA

Related to Case No. 3:21-cv-07559-WHA

**GOOGLE LLC'S MOTION FOR LEAVE  
TO FILE RESPONSE TO SONOS'S  
REPLY TO THE COURT'S REQUEST  
FOR FURTHER BRIEFING**

Location: Courtroom 12, 9th Floor

Judge: Hon. William Alsup

1 Pursuant to Northern District of California Civil Local Rule 7-11, Google LLC (“Google”)  
2 hereby moves this Court for an order granting it leave to file a response to Sonos’s Reply to the  
3 Court’s Request for Further Briefing (Dkt. 789). For the first time in that brief, Sonos argued that  
4 “the figure on page 5 of Appendix A of the provisional application – which was later inserted into  
5 the disclosure of the ’885 and ’966 Patents as Figure 7 – discloses a ‘Party Mode’ zone scene and a  
6 ‘Morning Wakeup’ zone scene that have overlapping members . . . .” *Id.* at 4. Sonos had not  
7 previously disclosed that theory in its discovery responses or in any of the prior written description-  
8 related briefing, including the summary judgment briefing or in response to the Court’s prior  
9 requests for additional briefing. This new theory is also directly contrary to the position that Sonos  
10 took at trial, which was that the zone scene “party mode” disclosed in the patent was *not* a zone  
11 scene necessarily including all of the zone players in the system.

12 Accordingly, Google could not have and did not anticipate that Sonos would make this  
13 argument for the first time in its reply brief. Because Google’s briefing to the Court thus far has not  
14 addressed this new theory, Google seeks leave to file a three-page brief, attached hereto, responding  
15 to this narrow and newly-raised issue. Google seeks to explain to the Court why Sonos’s new  
16 argument is inconsistent with its prior positions and the testimony from its inventor at trial. Google  
17 also seeks to explain why Figure 7 of the patent, which Sonos now relies upon, does not provide  
18 written description support for the overlapping zone scene requirement.

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1 DATED: May 31, 2023

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

2  
3 By /s/ Sean S. Pak

4 Sean Pak  
5 Melissa Baily  
6 James Judah  
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8 Marc Kaplan

*Attorneys for GOOGLE, LLC*

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure and Local Rule 5-1, I hereby certify that, on May 31, 2023, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system and email.

/s/ Sean S. Pak  
Sean S. Pak